

## **REMARKS**

In the Office Action of June 2, 2006, the Examiner objected to claims 77 and 140 because of minor informalities, rejected claims 1, 7, 8, 135, and 136 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent 6,870,805 to Arai et al., and rejected claims 77, 84, and 85 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent 6,870,805 to Arai et al.

By this Amendment, Applicants propose to amend claims 1, 10, 14, 26, 77, 84, 102, 135, 136, and 140 and add new claims 141-158. Applicants respectfully submit that pending claims 1, 7-10, 13-15, 19, 25, 26, 50, 62, 65, 68, 76, 77, 84-87, 90-92, 96, 102, 113, 114, 128, 134-158 are in condition for allowance.

The amended filed on April 17, 2006 contained a typographical error in claim 14 and omitted "comprises the" as shown in the amendment of March 31, 2006. This listing of claims corrects the typographical error.

Applicants amended claim 77 on April 17, 2002 to change "the diffractive portion" to "the first diffractive portion." Therefore, Applicants request withdrawal of the objection to claim 77.

Applicants amend claim 140 as suggested by the Examiner and request withdrawal of the objection to claim 140.

Although Applicants may disagree with the obviousness-type double patenting rejection of claims 1, 7, 8, 77, 84, 85, 135, and 136, in an effort to advance prosecution, Applicants file a Terminal Disclaimer with this response. Applicants thus request reconsideration and withdrawal of the obviousness-type double patenting rejection.

The filing of the Terminal Disclaimer does not manifest an admission by Applicants as to the propriety of the double patenting rejection. See M.P.E.P. § 804.02 citing Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Applicants reserve the right to traverse the double patent rejection at a later date.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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